

EXHIBIT D

Page 1

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-99000-smb

4 - - - - - x

5 In the Matter of:

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7 ADMINISTRATIVE CASE RE: 08-01789 (SECURITIES INVEST-

8 ADVERSARY PROCEEDING) ,

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10 Debtor.

11 - - - - - x

12

13 Adv. Case No. 10-04995-smb

14 - - - - - x

15 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

16 MADOFF INVESTMENT SECURITIES LLC,

17 Plaintiff,

18 v.

19 TRUST u/art FOURTH o/w/o ISRAEL WILENITZ,

20 Defendants.

21 - - - - - x

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Page 2

1 Adv. Case No. 10-05184-smb

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 MADOFF INVESTMENT SECURITIES LLC,

5 Plaintiff,

6 v.

7 LAURA ANN SMITH REVOCABLE LIVING TRUST et al.,

8 Defendants.

9 - - - - - x

10

11 Adv. Case No. 10-04352-smb

12 - - - - - x

13 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

14 MADOFF INVESTMENT SECURITIES LLC,

15 Plaintiff,

16 v.

17 RAR ENTREPRENEURIAL FUND. LTD. et al.,

18 Defendants.

19 - - - - - x

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Page 3

1 **U.S. Bankruptcy Court**
2 **One Bowling Green**
3 **New York, NY 10004**

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5 **May 17, 2016**

6 **10:51 AM**

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9 **B E F O R E :**
10 **HON STUART M. BERNSTEIN**
11 **U.S. BANKRUPTCY JUDGE**

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15 **Hearing re: 10-04995-smb, 10-05184-smb, 10-04352-smb The**
16 **Trustee's Request For Leave To File A Motion For a**
17 **Protective Order in Wilentiz.**

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25 **Transcribed by: Sonya Ledanski Hyde**

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1 the transfers.

2 THE COURT: So, you produce the records of other
3 accounts, for instance, the transferor accounts?

4 MR. JACOBS: We do, Your Honor. We call that our
5 initial disclosure production. In every case where there's
6 an interaccount transfer, we replicate our production of the
7 CADs, which I described earlier, for any related accounts.
8 And by related accounts, to be clear, in our mind that means
9 any account that transferred money to the sued upon account.
10 We do provide all of that documentation.

11 And also, the only additional possible discovery
12 that I believe would be relevant to the issues of transfers
13 and net equity are the Defendants' own bank records. And as
14 Your Honor I know is aware, this Defendant in addition to
15 others, have vigorously contested our right to those
16 documents. The Court has rejected those objections. That's
17 no longer an issue in this case, although I think we're
18 going to be talking about that in some others again later.

19 But in any event, our position is that the bank
20 records have limited utility. Our experts will submit
21 reports that detail exactly why BLMIS's books and records
22 are accurate and reliable for the cash activity, transaction
23 activity for every relevant account over the life of the
24 account. Those reports have not yet been submitted but I
25 can promise the Defendant and the Court that they will be

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1 C E R T I F I C A T I O N

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3 I, Sonya Ledanski Hyde, certified that the foregoing
4 transcript is a true and accurate record of the proceedings.

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8 **Sonya Ledanski Hyde**

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20 **Veritext Legal Solutions**

21 **330 Old Country Road**

22 **Suite 300**

23 **Mineola, NY 11501**

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25 **Date: May 19, 2016**